Criminal Revision No. 667 of 2001
(Old No. 293/1985)

Hon'ble Irshad Hussain, J.

None responds from the side of the revisionist.

A complaint was filed before the Magistrate alleging commission of offences punishable under sections 420, 451, 427, 380 and 500 of Indian Penal Code. But on the date fixed before the Magistrate, the complainant did not appear and the complaint was dismissed for non-prosecution under section 245 of the Code of Criminal Procedure. The revision filed against the impugned order dated 31.08.1984 was allowed by the Sessions Judge per judgment and order dated 16.11.1984 and the order passed by the learned Magistrate was set aside and he was directed the decide the trial in accordance with law and in the light of the observations made in the body of the judgment.

Perusal of the judgment of the learned Sessions Judge indicate that he had taken cognizance of the relevant provision whereby the learned Magistrate should not have dismissed the complaint in the absence of the complainant after the cognizance had been taken and there appears to be no impropriety or illegality in setting aside the order and directing the trial of the case according to law.

In view of the above, the judgment of the learned Sessions Judge is well founded and the petition has no force and is liable to be dismissed.

The revision is dismissed.

Interim order dated 25.02.1987 is vacated.

Sent the information to the Magistrate concerned to proceed with the trial.

(P.C. Verma, J.)

23.05.2002./B.